

Health and Human Services Agency California Office of HIPAA Implementation

POLICY MEMORANDUM

COHI PM-2002/03

TO: STATE OF CALIFORNIA HIPAA IMPACTED DEPARTMENT COORDINATORS

FROM: CALIFORNIA OFFICE OF HIPAA IMPLEMENTATION

Title: HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA) PRIVACY NOTICE OF PROPOSED RULEMAKING (NPRM)	Number: 2002/03
Subject: Process for state departments and CalOHI to review and comment on PRIVACY NPRM	Issue Date: April 3, 2002
Reference(s): SB 456 (Speier) Chapter 635, Statutes of 2001, federal Health Insurance Portability and Accountability Act of 1996, "Standards for Privacy of Individually Identifiable Health Information," (Privacy Regulation) issued by the Department of Health and Human Services (DHHS) on December 28, 2000, and NPRM for Privacy Regulation issued March 27, 2002	Expiration Date: April 26, 2002
Contact: Ruth Jacobs (916) 651-6905 rjacobs1@ohi.ca.gov	
Purpose	To describe process by which CalOHI will work with state departments affected by HIPAA to provide a unified California position in commenting on the recently released NPRM for Privacy.
HIPAA Overview/Background	<p><u>State HIPAA</u></p> <p>SB 456 (Speier) Chapter 635, Statutes of 2001, created the Office of HIPAA Implementation (CalOHI).</p> <p><u>Federal HIPAA</u></p> <p>Signed into law by President Clinton on August 21, 1996.</p> <p>Includes Administrative Simplification requirements intended to improve the efficiency and effectiveness of the entire health care system.</p> <p>Implemented through a series of regulations, including Privacy, Security, and Transactions and Code Sets.</p> <p>The Privacy Regulation, "Standards for Privacy of Individually Identifiable Health Information," was issued by the Department of Health and Human Services (DHHS) on December 28, 2000.</p> <p>DHHS released new proposed Privacy Regulations on March 27, 2002.</p>

Resource	Find the NPRM for Privacy at www.hhs.gov/ocr/hipaa/whatsnew		
CalOHI's Responsibilities	Provide statewide leadership, policy formulation, direction, coordination, and oversight in order to ensure the successful implementation of HIPAA. This responsibility includes preparing a consolidated set of comments related to HIPAA regulations for submission to DHHS (California Health and Safety Code Section 130306 (a)(2)).		
Process To Review HIPAA Privacy NPRM	The following timetable reflects the challenges of a short comment period, however, with collaboration among state impacted departments and CalOHI, comments on the HIPAA Privacy NPRM will be completed by the due date of April 26, 2002:		
	NPRM Released March 27, 2002:		
	Timeframe	Process	Responsibility
	April 5, 2002	Initial NPRM analysis Identify significant issues and provide comments on how the proposed changes will affect your department and California. Issues raised should be separated by policy and technical topics as appropriate.	Each state department and CalOHI
	April 5, 2002	Initial analysis of the proposed regulations and their impact on California. Initial analysis will be shared with each state department.	CalOHI
	April 8, 2002	Development of a policy position to be reviewed by the Administration.	
	April 9 - April 12, 2002	Written comments developed and sent to CalOHI – PLEASE PROVIDE COMMENTS AS APPROPRIATE ON AREAS WHERE DHHS IS REQUESTING INPUT	Each state department
	April 12 - 17, 2002	Draft the final comments on policy issues. Technical comments will be a separate section in the overall comment package.	CalOHI
	April 18 - 24, 2002	Review and approval of text of actual comments.	Administration
	April 24, 2002	Approved text of actual comments forwarded to DHHS.	CalOHI

Please provide your initial analysis and detailed written comments (either hardcopy or e-mail), to Ruth Jacobs at 1600 9th Street, Room 400, Sacramento, CA 95814 or rjacobs1@ohi.ca.gov.

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CalOHI looks forward to working with you to provide a common California voice on how the NPRM will affect California, your business processes, as well as your business partners and stakeholders. Please contact Ruth Jacobs of my staff at (916) 651-6905 or rjacobs1@ohi.ca.gov with any questions.

Original signed by Therese Hart for

BURT R. COHEN
Acting Director
California Office of HIPAA Implementation

cc: HIPAA Statewide Steering Committee